

**REMARKS**

Claims 1-36 are pending. Claims 25-36 have been allowed and claims 3-19 and 21-24 have been determined to contain allowable subject matter. Reconsideration and allowance based on the comments below are respectfully requested.

In the outstanding Office Action the Examiner contends that Applicants previous remarks in the Response dated September 14, 2009 "amount to general allegations." Applicants strongly disagree.

Applicants refer the Examiner to pages 3 and 4 of the Response dated September 14, 2009. Within these pages of the Response, Applicants direct the Examiner to claimed subject matter not taught by Cloutier. Applicants then discussed Cloutier's teachings. Applicants finally addressed the deficiencies of Cloutier's teachings with respect to claimed subject matter and specifically addressing the lack of calculating a frequency deviation by Cloutier's teachings. Applicants respectfully submit that Applicants previous remarks fully address the Examiner's rejection irrespective of how the Examiner interprets them or fails to understand them.

**Prior Art Rejection**

Claims 1, 2 and 20 stand rejected under 35 U.S.C. §102(b) in view of Cloutier (US 5,966,387). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, the control means calculates a clock frequency deviation between a data sending device and the data receiving device in accordance with an integration result of an amount of the received packet data temporarily stored in the storage means and a measurement result of the integration time.

Claim 20 recites, *inter alia*, a clock frequency deviation between a data sending device and a data receiving device is calculated in accordance with an integration result of an amount of the received packet data temporarily stored in the storage means and a measurement result of the integration time.

The Examiner contends that all of the claimed features recited in independent claims 1 and 20 including the calculation of a clock frequency deviation as noted above. Applicants respectfully submit that Cloutier does not teach each and every feature of Applicants independent claims 1 and 20.

Applicants note that the term “jitter” can be used in different contexts to describe different events. In Cloutier, “jitter” refers to PCR (Program Clock Reference) jitter which details the variation in arrival time of data packets in an MPEG stream. The PCR values are transported at various times in the MPEG stream and represents the expected arrival time of the data packets in the MPEG stream. With this arrival time the decoder can determine how to deconstruct the MPEG stream when waiting for additional packets to arrive. However, the delay of some packets “jitter” caused by delays within the system upsets the balance. To address this issue, Cloutier describes two techniques which are described at page 11, lines 36-47 of Cloutier. Cloutier states:

The data packet stream correction circuit 142 selectively uses one of two techniques to eliminate the jitter from the MPEG stream caused by, for example, cell delay variation. One technique as discussed in detail below, involves selectively buffering the MPEG stream using a buffer 144 in response to buffer control signals from the detection processor 128 (BA, OC). The second technique for correcting for the jitter in the MPEG stream is by using a timing restamp module 146, whereby the PCR values stored in the MPEG stream are rewritten with corrected time stamps in accordance with the detected jitter. As shown in FIG. 2, the data packet stream correction circuit comprises the buffer circuit 144 and the time restamp module 146. As such, either technique may be used alone or in combination to provide the corrected MPEG stream.

These techniques are designed to provide the decoder with the appropriate arrival time of the packets by 1) delaying the packet or 2) re-stamping the actual arrival time based on the determined delay in the system.

The packet delay “jitter” of Cloutier and its solutions have nothing to do with Applicants claimed features noted above. While both the reference and Applicants claimed features refer to packets within MPEG system, Cloutier refers to an actual

time delay associated with the packet whereas Applicants claimed features refers to the deviation and clock frequency between two specific devices. There is no clock frequency deviation calculated between a sending device and recording device in Cloutiers teachings. Because different equipment may have different clock frequencies, adjustments need to be made between the devices especially the transmitter and receiver. Applicants claims determine this frequency variation and make this adjustment. Cloutier's teachings do not address this issue.

Cloutier, in contrast, determines a packet delay in a system, not between two specific devices. Further, the delay in Cloutier is a time delay and not a frequency deviation calculation. Thus, because Cloutier does not teach the calculation of a clock frequency deviation Cloutier cannot teach the specifics on how this is achieved and specifically the determination of an integration result of an amount of the received packet data temporarily stored in the storage means and the measurement result of the integration time as recited in Applicants claims 1 and 20.

Yes, both Cloutier and Applicants claims refer to packet issues and more specifically to a type of delay associated therewith. However, Cloutier's "jitter" issue is distinctly different from what Applicants claimed features address. Thus, the issues to be solved and solutions by which this is accomplished by Cloutier and Applicants claimed features are uniquely different because they each separately address uniquely different problems

If the Examiner continues to maintain this line of rejection, the Examiner is respectfully requested to specifically point out where Cloutier teaches a calculation of a clock frequency and the manner in how this is calculated between a sending device and a receiving device. The Examiner to this point has failed to do so and thus Applicants respectfully submit that Cloutier does not teach each and every feature of Applicants claim 1, 2 and 20. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For at least the above reasons Applicants respectfully submit claims 1-36 are allowable. Accordingly, prompt allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48.917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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